

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
August 23, 2001**

PRESENT: Richard Hinsman, Bettye Lawrence, Harold (Hal) Lee, Richard Kollmansberger, Jerome Nelson and James Imhoff, Jr.

EXCUSED: Nancy Gerrard

STAFF PRESENT: Cletus Hansen; William Black, Legal Counsel; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Debbie Conrad, WRA

CALL TO ORDER

The meeting was called to order at 10:40 a. m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present

AGENDA

MOTION: Richard Kollmansberger, moved, seconded by Hal Lee, to adopt the agenda. Motion carried unanimously.

MINUTES (06/28/01)

MOTION: Hal Lee moved, seconded by Richard Kollmansberger, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Oscar Herrera

Secretary Oscar Herrera met with the Board. He reviewed his background and thanked the Board members for their time and effort, serving the Department and the whole state by participating in the work of the Board. He stated that he had wanted to meet with the Board on an earlier date; however, circumstances prevented his meeting at that time.

Clete Hansen

- **Board Roster**

The Board received a copy of the June 2001 roster. No corrections were suggested.

- **Meeting Dates for 2001**

Noted

- **Revised Travel Expense Reimbursements**

The Board noted the changes in the reimbursement schedule, especially the increased mileage reimbursement and the maximums for meals.

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

The Board reviewed the August 2, 2001, Summary Report, and the Press Release for disciplinary orders issued in July 2001.

- **To-Do List**

Noted

LEGISLATION

LRB 2647/1 re: Licensing Requirements for Real Estate Brokers Licensed by Other States

Clete Hansen explained that the bill has been jacketed and that Myra Shelton, as noted in a report provided by Ms. Shelton, must prepare a lobbying narrative and brief Secretary Oscar Herrera on the proposal.

Update re: Bills and Proposals

- **Biennial Budget Bill and Other Bills and Proposals**

The Board noted letters, prepared on its behalf by Clete Hansen and sent to the leadership in the Assembly and the Senate, opposing the regulation of closing agents.

- **Legislative Report on Bill Drafting Requests**

The Board noted Myra Shelton's report, entitled "Legislative Status Report on Bill Drafting Requests as of August 6, 2001."

- **Proposals of the Wisconsin Realtors Association**

The Board noted the minutes of the WRA Board of Directors Meeting of August 3, 2001. The Board also noted the legislative drafts, relating to broker supervision/liability and agency disclosure. Clete Hansen informed the Board that Rick Staff had already had a meeting with William Black, Legal Counsel of the Board, and discussed several legislative drafts with him.

Hansen said that the Department would like to further review the drafts and eventually make its recommendations to the Board.

Jim Imhoff requested that the following agenda item be included in next month's agenda: "Time When Disclosure of Agency is Required."

ADMINISTRATIVE RULES

There was nothing for the Board to consider.

WRA ISSUES IMPACTING THE BOARD AND THE DEPARTMENT

Jim Imhoff and Clete Hansen briefly reported on a meeting conducted by the Wisconsin Realtors Association on July 10, 2001, regarding the impact of e-commerce on the regulation of the Department and the Board.

RECIPROCITY OF LICENSURE

The Board noted correspondence between Clete Hansen and Charles Clark, Commissioner of the Georgia Real Estate Commission, relating to the possibility of entering into a reciprocal licensing agreement. Hansen reported to the Board that the conclusion regarding this matter was that it would not be beneficial to enter into an agreement, due to certain limitations in Wisconsin's License Law and Georgia's more liberal approach to granting reciprocity.

REPORT OF THE CONTRACTUAL FORMS ADVISORY COUNCIL

The Board noted a final draft of the WB-8 Timeshare Listing Contract and WB-27 Timeshare Contract (Resale by Non-Developer). Hansen informed the Board that he has sent one other timeshare form to the Department of Financial Institutions for its review of the disclosure provisions relating to finance charges.

MOTION: Richard Hinsman moved, seconded by Hal Lee, to recommend approval of the WB-8 and WB-27 timeshares forms. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE

Sharon Stillman

The Board noted Jim Imhoff's letter to Sharon Stillman, in response to her earlier letter about certain practices in the industry.

PUBLIC COMMENT

None

Home Link Service Center

Clete Hansen gave the Board a copy of a letter from Tess-Mattner to William Dusso, regarding the legality of a Home Link Marketing Plan in which Shorewest Realtors, Inc., had intended to participate. This was a follow-up letter to an earlier letter sent by William Dusso. This follow-up letter was dated May 1, 2001.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

The Board reviewed two stipulations submitted by Charles Howden and concluded that there was no need for Mr. Howden to come before the Board and make any oral presentation.

RECESS TO CLOSED SESSION

MOTION: Bettye Lawrence moved, seconded by Richard Hinsman, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the Case Status Report, a monitoring report, case closings, stipulations, and proposed decisions that were presented in Open Session. Motion carried unanimously by a roll call vote: Richard Kollmansberger-yes; Bettye J. Lawrence-yes; Jerome M. Nelson-yes; Harold Lee-yes; Jim Imhoff-yes; and Richard Hinsman-yes. Motion carried unanimously.

Open Session recessed at 11:45 a. m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on stipulations, an administrative warnings, a monitoring report, case closings and the objections of Rainbow Auction & Realty and Jon S. Schuster to the Affidavit of Costs in Case #LS0005301REB. Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Richard Hinsman moved, seconded by Hal Lee, to adjourn the Closed Session and to reconvene in Open Session at 12:07 p. m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Bettye Lawrence moved, seconded by Richard Kollmansberger, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

96 REB 052
97 REB 001
99 REB 340
00 REB 007
00 REB 010

00 REB 203
00 REB 277
00 REB 013
01 REB 012
01 REB 021

99 REB 248
00 REB 173
01 REB 035

ADMINISTRATIVE WARNING

Robert B. Clemen

MOTION: Hal Lee moved, seconded by Richard Kollmansberger, to issue an administrative warning to Robert B. Clemen. Motion carried unanimously.

STIPULATIONS

Joel S. Streblow & Streblow Real Estate, Inc. (Fond Du Lac, WI)

MOTION: Richard Kollmansberger moved, seconded by Hal Lee, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Joel S. Streblow & Streblow Real Estate, Inc. Motion carried unanimously.

David A. Skrocki (Oviedo, FL)

MOTION: Hal Lee moved, seconded by Jerry Nelson, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving David A. Skrocki. Motion carried unanimously.

MONITORING REPORT

Daniel J. Naven (Kenosha, WI)

MOTION: Bettye Lawrence moved, seconded by Richard Kollmansberger, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Daniel J. Naven. Motion carried unanimously.

OBJECTIONS TO AFFIDAVIT OF COSTS

Rainbow Auction & Realty Co. and Jon S. Schuster (Onalaska, WI)

The Board reviewed the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement, noted that the total costs were listed as \$8,593.49, and reviewed the RESPONDENTS' OBJECTIONS TO AFFIDAVIT OF COSTS.

MOTION: Bettye Lawrence moved, seconded by Hal Lee, to deny the Respondent's objections to cost and to assess the costs enumerated in the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement. Motion carried unanimously.

The Board also noted that Rainbow Auction & Realty Co. and Jon S. Schuster had filed a Petition for Judicial Review and a Motion to Stay Enforcement of Agency.

ADJOURNMENT

By consensus the meeting adjourned at 12:10 p. m.